

REMARKS

In this Reply, Claims 3 and 16 have been canceled. Claims 54 and 58 have been amended. Therefore, claims 2, 4-13, 15, 17-19, 23, 54 and 58 are currently pending.

Status of U.S. Patent No. 6,289,340 (“Puram et al.”)

The Examiner has rejected all of the previously pending claims based on the newly cited Puram et al. reference either under 35 U.S.C § 102(e) or 35 U.S.C. § 103(a) (in combination with other references). Thus, as a threshold matter and at minimum, Puram et al. must qualify as “prior art” for all of the present rejections to stand. However, Puram et al. was filed on August 3, 1999. In prior filed declarations by Applicants, including *Declaration of Prior Invention in the United States to Overcome Cited Publication Pursuant to 37 C.F.R. § 1.131*, filed September 20, 2004, and *Supplemental Declaration of Prior Invention in the United States To Overcome Cited Publication Pursuant to 37 C.F.R. § 1.131*, filed June 24, 2005, Applicants established that the date of invention for at least the then pending claims was at least prior to November 22, 1999. However, as indicated in the supporting materials attached to these Declarations, design work for the “SkillsMatch” system, the subject of the present invention, began at least as early as January of 1999. Thus, Applicants do not agree that Puram et al. qualifies as prior art under 35 U.S.C § 102(e). On the contrary, the present invention, as claimed, may certainly have been conceived prior to August 3, 1999 and diligently reduced to practice thereafter. Applicants reserve the right to submit additional support, if necessary, to this effect and establish an invention date prior to August 3, 1999, at a later time. However, for the purposes of the present Reply only, Applicants will treat Puram et al. as a reference which qualifies as prior art.

Rejection Under 35 U.S.C. § 112

The Examiner rejected previous Claim 58 under 35 U.S.C. § 112, alleging that the clause “receiving a command to take a recruiting action, and in response to the command, displaying the positioner information to the potential positionee” does not satisfy the written description requirement. Applicants respectfully disagree with this rejection. Specifically, Applicants had possession of this step as a part of the present invention recited in Claim 58, as this step is

supported by at least the second and third paragraphs of page 28 of the original specification. Specifically, the page 28 of the Detailed Description recites:

Once qualified candidates have been identified through the matching process, **the employer can perform actions to view the job seeker information** and make referrals. An example of the qualified candidate list is illustrated in FIGURE 29. The employer is then free to take action towards the recruiting of qualified candidates. **The employer can see the job seeker's information if the job seeker has not labeled such information confidential and the employer takes a recruiting action.** **Upon taking a recruiting action,** the action remains in the recruiting actions list, even if the job seeker never appears on the qualified candidate list again. **The recruiting actions**, shown in FIGURE 30, **trigger notification of the job seeker of a match in skills between them and a job order.** Notifications are queued and processed in batch mode. Possible notification methods are an email, automated phone notification, or a letter. If no email address for the employer is provided, then the employer must be staff assisted. (Page 28 of the Specification - emphasis added).

In addition to the above passage within the specification, many other passages discuss the hardware and software system arrangement, and how information is displayed and otherwise communicated to/from the positionors and/or positionees, including the figures which depict the screens (displayed on displays of computer terminals) of the actual software system. Thus, Applicants believe that the specification supports this limitation within Claim 58. However, for reasons unrelated to this rejection, Applicants have amended Claim 58 to remove this limitation, while adding other limitations thereto. Thus, for the above reasons and the amendments to Claim 58, this rejection is now moot.

The Present Invention and Amendments to the Claims

As recited in Claim 58 (in the form of a method), and Claim 54 (in the form of a computer program), as amended, the present invention is generally directed to a method (embodied in a computer program for Claim 54) of matching a potential positionee and a potential positionor for a position with the potential positionor. The method includes receiving positionee information comprising the potential positionee's actual qualifications and receiving positionor information comprising a plurality of predefined target qualifications for the position. The method also receives an indication from the potential positionor that one or more of the plurality of predefined target qualifications is a required qualification or a nice to have qualification. The method stores the positionee and positionor information in a database. The

method also correlates the positionee information with the positionor information for creating a correlated information list of correlated information comprising a list of potential positionees having target qualifications which correlate with all of the required qualifications. The method can further receive a communication from the potential positionee to remove their name from the correlated information list of potential positionees, and rank the correlated information based upon at least the nice to have qualifications. The method then displays the correlated information to the potential positionor for review of potential positionees for the position.

As defined in Claims 54 and 58, the present invention is novel and non-obvious. The Examiner has rejected these Claims based on Puram et al., and all of the dependent claims based on based on Puram et al. alone or based on Puram et al. in view of two websites (the Monster Board and the USAJOBS references). Puram et al. is directed to a method which selects a candidate from a pool of candidates to fill a position based on the skills held by the candidate, the skills desired for the position and the priority of the skills for the position. Adjusted skills scores are used to compare and rank candidates, and are limited by the priority of the skill for the position, yielding best-fit matches. Candidates enter their actual skills they have and indicate their skill level, such as “novice,” “limited,” “experienced,” and “expert” for each skill entered. Employers identify or select skills that are desired for the position, and then assign each selected skill a skill level or experience desired and the importance or priority of that skill. The method then searches the candidates’ records to find a sub-pool of candidates that possess the skills listed by the employer as desired for the position, by searching all candidate records to find those that possess some threshold level of experience in the core strengths (skills that are of the highest priority) for a position. The search will return those candidates whose skills profiles match or exceed specified “scoring” criteria, and in particular, candidates must have an overall score for their core strength skills that is adequately high (above an overall minimum).

The present invention does not use a scoring method for listing candidates. The employer can enter whether a skill is required. If a skill is required, and a candidate has not specified that they have a required skill, then the comparison will exclude the candidate from the list of potential candidates. The employer can also indicate that a skill is a “nice to have” skill, but not a required skill. The comparison will not exclude the candidate from the list of potential candidates as long as all of the required target skills are met within the comparison. The “nice to

have” criteria is only used for ranking the candidates, as long as all of the required target skills are met. Specifically, Claims 54 and 58 require receiving an indication from the potential position or that one or more of the plurality of predefined target qualifications is a required qualification, and require creating a correlated information list of correlated information comprising a list of potential positionees having target qualifications which correlate with all of the required qualifications. Otherwise, the potential positionee will not be listed. In order to establish one of three requirements for a prior art based rejection, the prior art reference(s) must teach or suggest all of the claim limitations. See MPEP 2143.03. On the contrary, the Puram et al. does not disclose or teach this limitation. Puram et al. uses scoring to determine listing and ranking on the list of potential candidates, and not “required” versus “nice to have” target skills for listing. In fact, the Puram et al. reference teaches away from the present invention, as candidates who have overall scores that are higher than a specified level are actually excluded from the list for being “over qualified.”

In addition, the present invention, as presently claimed, provides the candidate with the ability to remove themselves from a correlated list of potential candidates, so that an employer will not consider them within the evaluation process. In other words, the candidate can log into the system and review which potential employers they have matched up with based on their skills and the target skills required (and nice to have target skills) by the employers, and the candidate can remove an employer from their correlated list. In turn, the candidate’s name will be removed from the matched or correlated list which the employer reviews. Specifically, Claims 54 and 58 require receiving a communication from the potential positionee to remove their name from the correlated information list of potential positionees. Again, in order to establish one of three requirements for a prior art based rejection, the prior art reference(s) must teach or suggest all of the claim limitations. See MPEP 2143.03. Puram et al. and the other cited references (The Monster Board and the USAJOBS) do not teach or disclose this feature or limitation, either alone or in combination. Thus, in view of the above amendments, Applicants believe that Claims 54 and 58 are now in condition for allowance.

The remaining dependent claims each depend directly or indirectly on Claims 54 and/or 58, and therefore, Applicants believe that the dependent claims are also now in condition for allowance.

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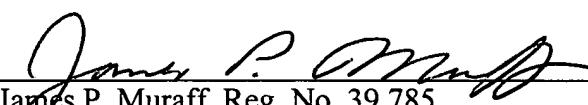
CONCLUSION

In view of the foregoing, Applicants believe that Claims 2, 4-13, 15, 17-19, 23, 54 and 58 are in condition for allowance, and respectfully request early notice of the same. Applicants request that the Examiner call the undersigned attorney with any questions concerning this Reply, or if it will expedite the progress of this Application.

Respectfully submitted,

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CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)

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